

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: ABBOTT LABORATORIES, ET
AL., PRETERM INFANT NUTRITION
PRODUCTS LIABILITY LITIGATION**

MDL NO. 3026

Master Docket No. 1:22-cv-00071

This Document Relates to:

ALL ACTIONS

Hon. Rebecca R. Pallmeyer

PROPOSED REVISED SCHEDULE

In accordance with the Court's February 3, 2023 Order [307], the Parties respectfully submit the following proposed revised schedule for the Court's consideration. The Parties agree as to all of the proposed dates up through October 30, 2023. However, despite conferring, the Parties have competing proposals for the remaining case deadlines. To facilitate the Court's review, the Parties' respective proposals for any disputed deadlines are listed in separate columns.

The Parties will be available to discuss these issues at the June 21, 2023 Status Conference.

Deadline	Agreed Dates
Abbott to provide plaintiffs with the names of additional, potential foreign regulatory and/or lobbying custodians for consideration	06/23/23
Abbott to substantially complete the production of certain non-custodial shared drives and SharePoint sites that Abbott agreed as of 04/12/23 to (i) collect entirely, (ii) apply the search terms agreed to on 02/17/22 and 01/02/23, and (iii) review for potential production	06/23/23
Abbott to substantially complete productions for 10 of the 30 general liability custodians identified to date	06/30/23

Mead Johnson will use best efforts to substantially complete document productions for 18 of its original 23 custodians on or about this date (to the extent not already completed)	06/30/23
Plaintiffs to provide Abbott and Mead Johnson with supplemental interrogatory responses	06/30/23
Plaintiffs to use best efforts to provide Abbott and Mead Johnson with the names of any additional general liability custodians	06/30/23
Abbott will produce documents on a rolling basis for the remaining 20 general liability custodians identified to date	07/01/23 – 09/29/23
Mead Johnson will produce documents on a rolling basis for the remaining general liability custodians identified to date as set forth in more detail below	07/01/23 – 10/30/23
Bellwether Plaintiffs to substantially complete their productions in response to Abbott's and Mead Johnson's requests for production	07/12/23
Mead Johnson will use best efforts to substantially complete document productions for the remaining 5 of its original 23 custodians on or about this date	07/15/23
Parties to meet and confer regarding anticipated production schedule for general liability custodians Plaintiffs designate by 06/30/23	07/21/23
Mead Johnson will use its best efforts to substantially complete document productions for 7 additional custodians on or about this date	07/30/23
Abbott to substantially complete the production from certain non-custodial shared drives and SharePoint sites that Abbott agreed as of 05/15/23 to collect based on application of a separately negotiated set of search terms to folder/file path listings, which will be used to identify documents for review and potential production	07/31/23
Abbott will substantially complete the production of supplemental clinical study data for a population of 23 studies agreed to by the parties to the Illinois state court litigation on 01/23/23	08/15/23
Mead Johnson will use its best efforts to substantially complete document productions for 6 additional custodians on or about this date	08/15/23
Abbott and Mead Johnson to use best efforts to substantially complete document production of "PSURs" (or their jurisdictional equivalents) they submitted to regulators in Canada, Israel, India, or the EU, to the extent such documents exist for the relevant time period	08/15/23
Parties to select 4 initial bellwether trial cases	

(Note: will commence case-specific discovery in trial selections as of this date; general discovery will remain ongoing)	09/14/23	
Abbott to substantially complete productions for general liability custodians	09/29/23	
Parties to provide the Court with a Joint Status Report regarding the progress of fact discovery	09/29/23	
Mead Johnson will use its best efforts to substantially complete document productions for 6 additional custodians on or about this date	10/15/23	
Mead Johnson to substantially complete productions for general liability custodians	10/30/23	
	Defense Proposal	Plaintiff Proposal
Close of fact discovery (Note: this applies to both general and case-specific fact discovery in trial selections)	12/31/23	02/02/24
Plaintiffs to submit expert reports (Note: this applies to both general and case-specific expert discovery in trial selections)	02/12/24	03/22/24
Defendants to submit expert reports	03/25/24	04/19/24
Submission of any rebuttal expert reports	04/12/24	05/17/24
Depositions of experts	04/15/24 – 05/31/24	06/03/24 – 08/02/24
Timeframe to conduct court-ordered mediation in trial selections	06/03/24 – 06/14/24	08/05/24 – 08/16/24
Any summary judgment or <i>Daubert</i> motions	06/21/24	08/30/24
Responses to any summary judgment or <i>Daubert</i> motions	07/26/24	10/11/24
Replies to any summary judgment or <i>Daubert</i> motions	08/16/24	10/25/24
Hearing dates on summary judgment or <i>Daubert</i> motions	08/26/24 – 08/27/24	11/04/24 – 11/08/24
Pretrial Conference date to establish schedule for initial trials	09/09/24	11/19/24

Dated: June 16, 2023

Respectfully Submitted,

By: /s/ Timothy J. Becker
 Timothy J. Becker
 JOHNSON BECKER, PLLC
 444 Cedar Street
 Suite 1800
 St. Paul, MN 55101
 Telephone: (612) 436-1800
 tbecker@johnsonbecker.com
 CO-LEAD COUNSEL

By: /s/ Stephanie E. Parker
 Stephanie E. Parker
 JONES DAY
 1221 Peachtree Street NE
 Suite 400
 Atlanta, GA 30361
 404.581.8552
 404.581.8330 (fax)
 Email: separker@jonesday.com

By: /s/ C. Andrew Childers

C. Andrew Childers
LEVIN, PAPANTONIO, RAFFERTY,
PROCTOR, BUCHANAN, O'BRIEN,
BARR & MOUGEY, P.A.
316 S. Baylen Street, Sixth Floor
Pensacola, FL 32502
Telephone: (850) 435-7000
achilders@levinlaw.com
CO-LEAD COUNSEL

By: /s/ Wendy R. Fleishman

Wendy R. Fleishman
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: (212) 355-9500
wfleishman@lchb.com
CO-LEAD COUNSEL

By: /s/ Jose M. Rojas

Jose M. Rojas
LEVIN, ROJAS, CAMASSAR & RECK,
LLC
40 Russ Street
Hartford, Connecticut 06106
Telephone: (860) 232-3476
rojas@ctlawyer.net
CO-LEAD COUNSEL

By: /s/ Diandra “Fu” Debrosse Zimmerman

Diandra “Fu” Debrosse Zimmerman
DICELLO LEVITT GUTZLER LLC
420 20th Street North, Suite 2525
Birmingham, Alabama 35203
Phone: 205-855-5700
fu@dicellolevitt.com
CO-LEAD COUNSEL

By: /s/ Elizabeth A. Kaveny

Elizabeth A. Kaveny, Esq.
KAVENY + KROLL, LLC
130 E. Randolph Street, Suite 2800
Chicago, Illinois 60601
Phone: 312-761-5585

Meir Feder
JONES DAY
250 Vesey Street, Floor 34
New York, NY 10281
212.326.7870
212.755.7306 (fax)
Email mfeder@jonesday.com

Bridget K. O'Connor
JONES DAY
51 Louisiana Avenue NW
Washington, DC 20001
202.879.3869
202.626.1700 (fax)
Email: boconnor@jonesday.com

Counsel for Defendant Abbott Laboratories, Inc.

By: /s/ Rachel M. Cannon

Anthony J. Anscombe
Rachel M. Cannon
STEPTOE & JOHNSON LLP
227 West Monroe, Suite 4700
Chicago, IL 60606
312.577.1270
312.577.1370 (fax)
aanscombe@steptoe.com
rcannon@steptoe.com

Elyse D. Echtman
STEPTOE & JOHNSON LLP
1114 Avenue of the Americas
New York, NY 10036
212.506.3900
eechtman@steptoe.com

Attorneys for Defendants Mead Johnson & Co., LLC and Mead Johnson Nutrition Company

elizabeth@kavenykroll.com
PLAINTIFFS' LIAISON COUNSEL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: ABBOTT LABORATORIES, ET
AL., PRETERM INFANT NUTRITION
PRODUCTS LIABILITY LITIGATION**

MDL NO. 3026

Master Docket No. 1:22-cv-00071

This Document Relates to:

ALL ACTIONS

Hon. Rebecca R. Pallmeyer

NOTICE OF FILING

PLEASE TAKE NOTICE that on **June 16, 2023**, Defendants Abbott Laboratories and Abbott Laboratories, Inc. filed the attached PROPOSED REVISED SCHEDULE with the United States District Court Northern District of Illinois.

DATED: June 16, 2023

Respectfully submitted,

/s/ Stephanie E. Parker

Stephanie E. Parker
JONES DAY
1221 Peachtree Street NE
Suite 400
Atlanta, GA 30361
404.581.8552
404.581.8330 (fax)
Email: searker@jonesday.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing PROPOSED REVISED SCHEDULE was electronically filed with the Clerk of Court using CM/ECF this 16th day of June 2023. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

/s/ Stephanie E. Parker